



**CalVEPA**

**State Water  
Resources  
Control Board**

**Division of  
Clean Water  
Programs**

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<http://www.swrcb.ca.gov/~cwphome/fundhome.htm>

EC  
STID 3760

JAN 10 1997



Pete Wilson  
Governor

**MIKE CAVALIERI  
CITY OF LIVERMORE  
3589 PACIFIC AVE  
LIVERMORE, CA 94550**

**UNDERGROUND STORAGE TANK CLEANUP FUND PROGRAM, STAFF  
DECISION FOR NOTICE OF INELIGIBILITY DETERMINATION, CLAIM  
NUMBER 006592, SITE ADDRESS: 1800 FREISMAN RD, LIVERMORE 94550**

This is to notify you that during the detailed review of your application, it has been determined that your claim for the subject site is not eligible for reimbursement from the Underground Storage Tank Cleanup Fund. It is being proposed, therefore, that your claim be removed from the Priority List based on the following reason:

The City of Livermore took possession of the subject site in October 1988. Prior to the City's acquisition, the site had been operating as Kentucky West Farms. Motor vehicle fuel tanks were located at the site that had been used in the operation of the farm. The City of Livermore had the tanks removed in 1989 and the site was converted to a public golf course.

Article 4, section 2810.1(a) of the Petroleum Underground Storage Tank Cleanup Fund Regulations state that "only a current or former owner or operator of an underground storage tank or residential tank may file a claim against the Fund. Only the following owners and operators may file claims: (1) A current owner or operator of an underground storage tank for which a permit is required under Section 25284 of the California Health and Safety Code." Article 2 states "'Underground storage tank' does not include any structures specifically exempted under Section 2621 of Title 23, Chapter 16 of the California Code of Regulations. Current exempted structures are: (a) A tank with a capacity of 1,100 gallons or less which is located on a farm and which stores motor vehicle fuel used primarily for agricultural purposes and not for resale; (b) A tank which is located on a farm or at the residence of a person which has a capacity of 1,100 gallons or less, and which stores home heating oil for consumptive use on the premises where stored. "

If you disagree with this Staff Decision, you may either request review and reconsideration by the Program Manager or you may formally appeal the decision and request a Division Decision from the Chief of the Division. A request for reconsideration along with any additional documentation should be sent to:



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*Our mission is to preserve and enhance the quality of California's water resources, and ensure their proper allocation and efficient use for the benefit of present and future generations.*

JAN 10 1995

Dave Deaner, Program Manager, Claim #006592  
UST Cleanup Fund Program  
State Water Resources Control Board  
Division of Clean Water Programs  
P. O. Box 944212  
Sacramento, CA 94244-2120

A request to the Chief of the Division must include, at a minimum: (1) a statement describing how the claimant is damaged by the prior Staff Decision; (2) a description of the remedy or outcome desired; and (3) an explanation of why the claimant believes the action or the Staff Decision is erroneous, inappropriate or improper.

The request to the Chief of the Division must be sent to Harry M. Schueller, Chief, Division of Clean Water Programs, at the address listed above.

If you do not request review and reconsideration by the Program Manager or request a Division Decision from the Chief of the Division within thirty (30) calendar days from the date of this letter, the Staff Decision will then become final and conclusive.

If you have any questions, please contact Cheryl Gordon at (916) 227-4539.

Sincerely,

*Francine Aguirre*  
Francine Aguirre, Team Leader - Region 2  
Underground Storage Tank Cleanup Fund

cc: Mr. Rich Hiett  
RWQCB, Region 2  
2101 Webster St., Ste. 500  
Oakland, CA 94612

Mr. Thomas Peacock  
Alameda County EHD  
1131 Harbor Bay Pkway, 2nd Fl.  
Alameda, CA 94502-6577

